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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1056 (1996) of 29 May 1996, which requested me to submit a comprehensive report by 10 November 1996. In that resolution, the Council endorsed my proposal that the identification process be suspended temporarily, with a concomitant reduction in the personnel of the United Nations Mission for the Referendum in Western Sahara (MINURSO), until such time as both parties, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO), demonstrate the political will, cooperation and flexibility necessary to permit the resumption and early completion of identification in implementation of the settlement plan (S/21360 and S/22464). The Council also supported my proposal to reduce the military component of MINURSO by 20 per cent on the understanding that this would not impair its operational effectiveness in monitoring the ceasefire. It called upon the parties, as a demonstration of good will, to cooperate in the release of Saharan political prisoners and the exchange of prisoners of war on humanitarian grounds, as soon as possible.

2. Section II of the present report covers the discussions my Acting Special Representative, Mr. Erik Jensen, has had with the parties and the neighbouring countries; section III addresses the identification process and other aspects of the plan; section IV reports on the work of the military and civilian police components of MINURSO; section V covers the financial aspects; and section VI contains my observations.

II. MEETINGS WITH THE PARTIES AND NEIGHBOURING COUNTRIES

3. As indicated in my report of 20 August 1996 (S/1996/674), my proposal to maintain a political office to continue the dialogue with the parties and the neighbouring countries, in the context of the settlement plan, has been implemented. The political office is led by my Acting Special Representative, who has, in accordance with Security Council resolution 1056 (1996), worked intensively to facilitate any effort to help set the parties on a course towards an agreed formula for the resolution of their differences. In addition to

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supporting the Acting Special Representative, the political office assures permanent liaison with the Frente POLISARIO in Tindouf, assists in maintaining other contacts and provides general assistance to fact-finding missions to the Territory and the Tindouf area. It also monitors local, regional and international media and works with the Independent Jurist in the discharge of his mandate.

4. Following the adoption of resolution 1056 (1996), my Acting Special Representative travelled regularly between Rabat and the Tindouf area, striving to develop momentum in the exchange of views and proposals between the two sides. He met or spoke on the telephone with the Moroccan Minister of the Interior, Mr. Driss Basri, and the Frente POLISARIO Coordinator with MINURSO, Mr. Mustapha Bachir Sayed, almost every week. In October 1996, he also met in Algiers with the Minister of Foreign Affairs of Algeria, Mr. Ahmed Attaf, and in Nouakchott with the President of the Islamic Republic of Mauritania, Mr. Maaouiya Ould Sid' Ahmed Taya, and his Minister of Foreign Affairs, Mr. Lehmrabet Sidi Mahmoud Ould Cheikh Ahmed. The Acting Special Representative's discussions with all the above-mentioned parties focused on ways to overcome obstacles to the implementation of the settlement plan, especially those aspects highlighted by the Security Council. They also dealt with other measures that could contribute to building confidence.

5. In its resolution 1056 (1996), the Security Council reiterated that, for progress to be achieved, the two parties must have a vision of the post-referendum period. It supported my proposal, in the context of the settlement plan, to maintain a political office to continue the dialogue with the parties and the neighbouring countries and to facilitate any other effort that could help the parties on a course towards an agreed formula for the resolution of their differences. It is encouraging that on 10 October 1996, the Special Political and Decolonization (Fourth) Committee of the General Assembly was informed that contacts had taken place and would continue to take place and that those contacts would certainly not lose sight of the settlement plan, which governs the holding of the referendum.

6. The Government of Morocco and the Frente POLISARIO have reiterated their commitment to the settlement plan. They continue to respect the ceasefire and are hopeful that ways may be found to permit the resumption of identification, which they both wish to see completed, and full implementation of the plan. The Government of Algeria expresses its continuing support for MINURSO, endorses the settlement plan and underlines the responsibility of the United Nations, especially the Security Council, to ensure its implementation. The Government of Mauritania shares that view and believes a solution to the problem of Western Sahara to be crucial to the security and stability of the region.

III. IDENTIFICATION AND OTHER ASPECTS OF THE SETTLEMENT PLAN

Identification Commission

7. The positions of the Government of Morocco and the Frente POLISARIO regarding further identification remain irreconcilable, as stated in my report

of 20 August 1996 (S/1996/674). The Frente POLISARIO invokes the compromise proposals presented in my reports of 28 July 1993 (S/26185) and 10 March 1994 (S/1994/283) that applicants should be members of "a Saharan subfraction included in the 1974 census", and maintains that the contested tribal groups H (Tribus del Norte), I (Chorfa) and J (Costeras y del Sur) are not composed of "subfractions" in the accepted meaning of the term. From these groups it would accept for identification only individuals who were themselves included in the census. The Government of Morocco insists, to the contrary, that the contested groups are like other subfractions and were treated like them for the purposes of the Spanish census, that there can be no basis for treating their members differently from those of other subfractions in the present identification process and that my compromise proposals were not intended to draw such a distinction. It wishes MINURSO to proceed, without prejudice to the Commission's decision, with the identification of all persons whose applications were submitted on time. An additional obstacle to the resumption of the identification process relates to the lists of persons already identified and found eligible to vote. The Frente POLISARIO insists on such lists being made available before the resumption of identification; the Government of Morocco rejects that as an unacceptable departure from the provisions of the settlement plan and as lacking approval by the Security Council.

8. In these circumstances, I concluded last May that it had to be accepted that there could be no early resumption of identification and that the personnel assigned to identification and related duties should not be retained. However, experienced staff who will be required when identification is to resume could be reassigned to MINURSO at short notice. The reduction of Identification Commission personnel has been completed. Some 40 persons left during February and March and a further 43 departed in April and May. The 23 staff members who remained until the end of July in order to close centres, store equipment and prepare and assemble identification archives for transfer to Geneva have left after finishing those tasks and none of the 132 staff members who worked on identification in 1995 remain with MINURSO. This has resulted in a substantial saving.

9. A high-level presence of the Organization of African Unity (OAU) remains in the mission area to ensure continued cooperation with MINURSO. I should like, again, to express my appreciation to OAU for its continuing support for the implementation of the settlement plan.

Exchange of prisoners of war

10. I have been informed by the Governments of Germany and the United States of America that, following an initiative on their part, 66 Frente POLISARIO prisoners of war in Moroccan custody were released on 31 October 1996 with the assistance of the International Committee of the Red Cross (ICRC). It will be recalled in this connection that in November 1995 a total of 185 Moroccan prisoners of war were released by the Frente POLISARIO with the assistance of ICRC and the Governments of Argentina and the United States. I express my appreciation for the efforts of those Member States who have assisted in the two releases.

Release of political prisoners

11. During the reporting period, the Independent Jurist has continued his efforts for the release of political prisoners. After his meetings in early July with the Moroccan authorities in Rabat and representatives of the Frente POLISARIO in Las Palmas, Canary Islands, he returned to the mission area during the last week of August. On 27 August, he visited some of the refugee camps in the Tindouf area and met with officials of the Frente POLISARIO and with a number of sheikhs who provided him with useful information.

12. The Frente POLISARIO also organized a meeting between the Independent Jurist and representatives of the Association of Families of Prisoners and Disappeared Saharans (AFAPREDESA). At the meeting, representatives of the Association gave the Independent Jurist a list of persons said to have "disappeared". The Independent Jurist has compared the list with data in his possession and is in the process of finalizing a list with the cooperation of AFAPREDESA, which has been asked to clarify some of its information. The Frente POLISARIO is expected to endorse the list prior to its being officially communicated, through my Acting Special Representative, to the Moroccan authorities, with whom the Independent Jurist will pursue his efforts.

Repatriation of refugees

13. The Office of the United Nations High Commissioner for Refugees (UNHCR) has continued to monitor developments in the region and has undertaken to review and update on a continuous basis the repatriation plan drawn up in 1991. Updates in logistical estimates have set the cost of the UNHCR repatriation project at almost $50 million. When conditions permit, UNHCR plans to carry out a pre-registration of potential returnees, which is an essential part of the preparatory work for the repatriation operation under the settlement plan. In the meantime, the survey of water resources has been completed, but a planned drilling programme around potential repatriation sites has been put on hold.

14. UNHCR has conducted a series of missions to the Territory, Morocco and Algeria, including the refugee camps in the Tindouf area. It has held discussions with the relevant parties, all of whom pledged their full cooperation and support. In consultation with the Acting Special Representative, it has also undertaken a number of initiatives to complement MINURSO efforts. In addition, it is continuing its assistance programme for the most vulnerable refugees in the camps.

IV. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

15. Pursuant to Security Council resolution 1056 (1996), the military component, headed by Major-General José Eduardo Garcia Leandro (Portugal), has been reduced by 20 per cent, from a strength of 288 military observers in May to 230 by 1 November (see annex I). The reduction was achieved through normal rotations, with the largest reduction taking place in September when the strength was cut from 259 to 232.

16. In spite of this reduction, it has been possible to keep the number of ground patrols at the previous level and to maintain overall operational activities through an increase in helicopter reconnaissance flights. However, as explained in paragraph 18 of my report of 20 August 1996 (S/1996/674), the redistribution of patrols required the transfer of activities from Dougaj team site to Agwanit team site in Sector South (see map attached as annex II). The transfer was completed on 21 July, and Dougaj team site, which had no airstrip, was closed on 8 August. The reduction of manpower in the field also necessitated an upgrading of the communications infrastructure throughout the area of operations. To that end, a communications section of four signals officers has been established (two at Force Headquarters and one at each Sector Headquarters).

17. While the ceasefire continues to hold, MINURSO has noted some technical violations of it, as well as an intensification of military activity on both sides, apparently aimed at ensuring combat readiness as the end of the current mandate period of MINURSO approaches. During August, POLISARIO forces conducted live-fire exercises. On 3 September, POLISARIO military staff at the local level refused to allow MINURSO to monitor one such exercise. The matter was raised with POLISARIO officials, who assured MINURSO of their full cooperation and indicated that action would be taken with regard to the incident. The Royal Moroccan Army (RMA) has also conducted live-fire exercises in all subsectors, maintained defence works, including firing positions and shelters, established ammunition sites and re-equipped and reorganized its units along the berm. The RMA has also conducted air missions and rehearsed air drills from Smara airport.

18. During the reporting period, difficulties arose owing to a lack of cooperation with MINURSO by some RMA officers. On 18 September, the Force Commander met with Moroccan military authorities in Agadir, who stated that appropriate action had been taken against RMA officers who had not cooperated with MINURSO. They also acknowledged the unauthorized movement of weapons in the Smara area and informed the Force Commander that appropriate action had been taken with regard to the unit commander concerned.

19. Both Morocco and the Frente POLISARIO have provided logistic support for MINURSO at the team sites. In this connection, the Frente POLISARIO has repaired the runways at the Agwanit and Tifariti team sites and promised to assist in repairing the runways of Mehaires and Bir Lahlou team sites. For its part, the RMA has repaired the runway at Oum Dreyga team site.

20. The maintenance of the ceasefire can be attributed to the cooperation of the parties, but also to the presence in the field and continuous patrolling activity of the military observers, as well as to the parties' confidence in their impartiality. During the current reporting period, MINURSO has made a special effort to avoid a rise in tension similar to that which occurred towards the end of the last mandate period in May 1996 and which was mentioned in paragraphs 19 and 20 of my report of 20 August. I am gratified, in this regard, that both sides have agreed to the Force Commander's proposal to suspend live-fire exercises with collective and heavy weapons during the months of October and November 1996.

Police component

21. The civilian police component, headed by Lieutenant-Colonel Jan Kleven (Norway), was reduced from a high of 91 in January 1996 to 44 by the end of May, and was then cut further pursuant to the suspension of the identification process, as described in my report of 20 August. It has been necessary to retain nine civilian police officers in order to ensure the security of equipment and computerized information in Laayoune and Tindouf. The civilian police component continues to provide escort and other assistance to MINURSO as necessary.

V. FINANCIAL ASPECTS

22. in its resolution 51/2 of 17 October 1996, the General Assembly appropriated $13,292,500 gross for the operation of the Mission for the period from 1 July to the expiration of its current mandate on 30 November 1996. In the same resolution, the Assembly also appropriated $18,609,500 gross for the maintenance of the Mission for the period from 1 December 1996 to 30 June 1997, to be assessed on Member States at a monthly rate of $2,658,500 gross, subject to the decision of the Security Council to extend the mandate of the Mission beyond 30 November 1996.

23. Therefore, should the Council decide to extend the mandate of MINURSO, as recommended in paragraph 29 below, the cost of maintaining MINURSO will be within the monthly rate indicated in the preceding paragraph.

24. As at 31 October 1996, unpaid assessed contributions to the MINURSO special account for the period since the inception of the Mission to 30 November 1996 amounted to $54.2 million. The total outstanding assessed contributions for all peacekeeping operations as at 31 October 1996 was $1,776.2 million.

VI. OBSERVATIONS

25. Since the beginning of this year, I have kept the situation of MINURSO under close scrutiny, with a view to adjusting its strength and resources to the evolution of the peace process and ensuring that its operations are managed in the most cost-effective manner. It is for this purpose that I have proposed and carried out, with the consent of the Security Council, considerable reductions in the size and functions of MINURSO in the past few months. Following the suspension of the identification process, 240 of the original 410 authorized civilian posts have been withdrawn, leaving only 170. As indicated in paragraph 21 above, the suspension has also permitted a reduction in the civilian police component from 91 officers to 9.

26. In addition, a 20 per cent reduction of the military component has been effected. As a result, that component has now been reduced to the minimum number of military observers needed if MINURSO is to continue to monitor and verify the ceasefire, as required under its present mandate. The reduction of the Identification Commission and the military and civilian police components has also permitted a significant reduction in administrative support posts.

These retrenchments have brought down the costs of the mission by approximately 40 per cent, from an original figure of $48,456,000 per annum to a revised appropriation of $30,132,000 (net). I shall continue to keep the size of the mission under active review to ensure maximum efficiency and cost effectiveness.

27. The intensive efforts of my Acting Special Representative to assist the parties in finding a way to overcome their differences and the presence of the political office and the military observers have helped to reassure both parties of the continuing willingness of the international community to assist them in resolving the problem of Western Sahara. This has been important in ensuring respect for the ceasefire and reducing the danger of a return to hostilities if there is no progress in implementing the settlement plan. It is vital that the ceasefire continues to be respected and I would not recommend any action that could jeopardize the United Nations ability to help ensure that it is maintained.

28. The release of prisoners of war by the Government of Morocco is particularly welcomed and should help promote confidence. Cooperation with the Independent Jurist in the execution of his mandate would also be a step in the same direction. I urge the parties to contribute to further positive measures that can help improve the prospects for a lasting settlement.

29. I also urge the parties to continue cooperating with my Acting Special Representative in his efforts to find a resolution to the outstanding questions concerning the implementation of the settlement plan. In view of the recent indications that the parties are moving forward in this direction, and in order to allow time for further progress, I recommend that the Security Council extend the mandate of MINURSO for a further period of six months, until 31 May 1997, while making it clear that the international community cannot be expected to support the extension of the mandate of MINURSO indefinitely unless there is tangible progress towards the settlement of the question of Western Sahara.

30. I would like to thank my Acting Special Representative and the civilian and military staff of MINURSO for their untiring efforts to move the process forward.

Annex I

COMPOSITION OF THE MILITARY COMPONENT OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

	Current strength		
	Military observers	Support units	Total
Argentina	1		1
Austria	4		4
Bangladesh	6		6
China	16		16
Egypt	11		11
El Salvador	2		2
France	25		25
Ghana	6	7	13 a/
Greece	1		1
Guinea	3		3
Honduras	12		12
Ireland	8		8
Italy	5		5
Kenya	8		8
Malaysia	13		13
Nigeria	3		3
Pakistan	5		5
Poland	3		3
Portugal	6		6
Republic of Korea	0	20	20 b/
Russian Federation	25		25
Tunisia	9		9
Uruguay	13		13
United States of America	15		15
Venezuela	3	—	3
Total	203	27	230

a/ Support units (seven non-commissioned officers).

b/ Medical personnel.

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